IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1037 (SS) OF 2004

1. Parmata Deen, S/o Sri Charan Das presently working as Lecturer Math in G.I.C. Ghanshu District Rudraprayag, Permanent Address- Gohand District Hameerpur, U.P.
2. Mahesh Kumar, S/o Punnilal working as Assistant Teacher (Science Maths) L.T. Grade in ?G.I.C. Sidoli District Chamoli. Permanent R/o Nagau P.O. Hiran Gaon, District Firozabad, U.P.
3. Vishwanath, S/o Sri Ramdhan presently working as Assistant Teacher General Subject, in G.I.C. Sidoli, District Chamoli permanent R/o Khubhan Khan, District Gorakhpur, U.P. .....Petitioners.

Versus

1. State of U.P., through Chief Secretary, Education, Lucknow.
2. State of Uttaranchal, through Secretary, Education Dehradun.
3. Union of India, through Personnel Department Delhi.
4. Advisotry Committee constituted under section 76 of the U.P. Reorganization Act, 2000 through its Chairman.

.....Respondents.

Sri S.S. Yadav, Advocate for the petitioner.
Learned Standing Counsel for the State.
Learned Standing Counsel for the Central Government.

Dated: 23.02.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to relieve the petitioner for the State of U.P. and also consider the option of the petitioner.

Brief facts giving rise to the present writ petition are that the petitioners are optee for State of U.P. and presently petitioner no. 1 is working as Lecturer and petitioner no. 2 and 3 are working as Assistant Teachers L.T. Grade in the territory of State of Uttaranchal, who were basically appointed on 30.10.2000, 02.10.2000 and 30.10.2000 respectively in various

districts of hill region of Kumaun (now State of Uttaranchal) and after the enforcement of Reorganization Act, they have opted for State of U.P. for their service.

According to the case of the petitioners, all of them belong to plain area of the State of Uttar Pradesh and moreover, they also had obtained their entire education in the plain area of State of U.P.

The petitioners have submitted that the Central Government has finally allocated the cadre of the petitioners in State of Uttaranchal on 11.09.2001 for the better perusal of this Hon'ble Court.

The petitioners have further submitted that they are covered by the judgment of Writ Petition No. 4446 (SS) of 2001 dated 25.03.2004.

In view of the above, the petitioners, therefore, are directed to move a representation before the Advisory Committee and if such a representation is made, the same shall be disposed of within a period of six weeks from the date of presentation of the representation before the authority concerned.

Writ petition is disposed of accordingly. No order as to costs.

(Rajesh Tandon, J.)

23.02.2006
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